

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

3 ANTICIPATORY BAIL APPLICATION NO.1103 OF 2021

1] PANDIT NAGORAO RAJURKAR
2] VIVEK PANDIT RAJURKAR

VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Shikrashna B. Solanke
APP for Respondents: Mr. S.B. Narwade

with

ANTICIPATORY BAIL APPLICATION NO.1114 OF 2021

RAJESH RATANLAL SHARMA
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Ajay T. Kanwade and Vilas S. Ghongade Patil, Advocates
for the applicant
Mr. S.B. Narwade, APP for respondent.

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**CORAM : PRAKASH D. NAIK J.
DATE : 20TH OCTOBER, 2021.**

PER COURT:

1] The applicants in both these applications are apprehending arrest in connection with Crime No. 257 of 2021 registered with Hingoli Police Station, Dist. Hingoli for the offence punishable under Sections 420, 468, 471, 504, 506 r/w. 34 of IPC. The FIR was registered on 27th August, 2021.

2] The FIR was lodged by Shriram Jogdand. It is alleged that the complainant is President of Sant Dnyaneshwar Gruh Nirman Sanstha,

Hingoli. Shri Narayan Narawane is the Secretary of the sanstha. Survey No. 75 admeasuring 38 gunthas was allotted to the sanstha. 14 plots were demarcated. The said plots were allotted to its members. Plot No.3 was allotted to Pandit Rajurkar (applicant in ABA 1103 of 2021). He did not attend the meetings. He did not pay the subscription. In view of this, the membership of applicant Pandit Rajurkar was cancelled on 15.4.2001. The possession of the plot was taken over by the sanstha. It was noticed that Mr. Rajesh Sharma (applicant in ABA No. 1114 of 2021) and Prakash Pawar had encroached upon the said plot. On questioning them, they stated that they have purchased the said plot. It was revealed that applicant Pandit Rajurkar had executed sale deed with the co-accused Rajesh Ratanlal Sharma. P.R. card of CTS No. 4266 was shown in the name of applicant Pandit Rajurkar. PR card was fabricated and name of the said applicant was inserted. The accused acted in connivance with each other and prepared false PR card and sale deed. Vivek Rajurkar (applicant No.2 in ABA 1103 of 2021) acted as consenting party for sale deed. He is instrumental in conniving with the applicant No.1 in preparing false PR card and sale deed.

3] Submissions of learned counsel representing respective applicants are that, applicant Pandit Rajurkar has been allotted the said plot. He is the owner of plot. The applicant Rajesh Sharma is bonafide purchaser. There is no forgery of PR card. The alleged incident had occurred on 8th April 2021 and FIR was lodged on 27th August, 2021. Notice dated 27.11.2019 sent by the sanstha was replied by the applicant No.1 Pandit Rajurkar. The Sanstha had filed appeal before the Superintendent of Land Records against the order entering name of Pandit Rajurkar on PR card which has been pending. Membership of the applicant Pandit Rajurkar was not cancelled. He has been paying

requisite taxes. For the first time, notice was sent on 27.11.2019 to show cause why the membership of applicant Pandit Rajurkar should not be cancelled. Notice was replied by him. Matter relates to documentary evidence. Custodial interrogation of the applicants is not necessary.

4] Learned APP submitted that the applicant No.1 Pandit Rajurkar ceased to be the member of the society. The allotment of plot was cancelled. His membership was cancelled. Possession of the plot was taken over. The applicant in ABA No. 1103 of 2021 had executed sale deed with the applicant in ABA No. 1114 of 2021. There is evidence to show that PR card was fabricated by the accused. The enquiry with the concerned department revealed that the PR card which is used by the accused was a false document. Custodial interrogation of the accused is necessary.

5] On perusal of FIR and other documents, it is apparent that Sant Dnyaneshwar Grih Nirman Sanstha was allotted landed property in Survey No. 75. The members of the Sanstha were allotted plots. It is alleged that for not attending the meeting and not paying requisite taxes etc, the membership of Pandit Rajurkar was cancelled in 2001. However, it is pertinent to note that the Sanstha had issued notice on 27.11.2019 to show cause why membership of the applicant Pandit Rajurkar should not be cancelled, which speaks volumes of doubt whether his membership was cancelled in the past. There is no other document indicating that membership of Pandit Rajurkar was cancelled and possession of the plot was taken over by the society. It is also apparent that notice was replied by applicant Pandit Rajurkar. It is his contention that he continues to be the member. There is no illegality in sale deed executed with the co-accused. It is contended by the applicant Pandit

Rajurkar that he had filed application before the Collector, Hingoli on 7.9.2018 alleging irregularities in the society. Applicant No.1 filed application before the Assistant Registrar, Cooperative Societies, requesting for cancellation of election of the President and Secretary of the society. Thus, according to the applicants, members of the society had a grudge against them. Vasant Pralhad Jogdand was illegally authorized to look after the affairs of the society on 8.5.2014 and his plot was taken on rent by the applicant Rajesh Sharma. Since the said plot was vacated, Mr. Sharma had purchased the plot from applicant No.1, which was another reason for lodging complaint against the applicants. As far as the PR card is concerned, both the sides are feigning ignorance as to who has prepared it. However, considering the facts, as stated above, the applicants need not be subjected to custodial interrogation.

: O R D E R :

[i] Both Anticipatory bail applications are allowed.

[ii] In the event of arrest of the applicants in connection with Crime No. 257 of 2021 registered with Hingoli Police Station, Dist. Hingoli, the applicants be enlarged on bail on furnishing PR Bond in the sum of Rs. 25,000/- each, with one or two sureties in the like amount.

[iii] The applicants shall appear before the I.O. on 25th, 26th, 27th of October, 2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the I.O. till filing of charge sheet.

[iv] The applications stand disposed of.

[PRAKASH D. NAIK]
JUDGE

grt/-